

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JAMAL DAMON HENDRIX,

**Plaintiff,**

V.

JAMES G. COX, et al.,

## Defendants.

Case No. 2:13-cv-02003-RFB-PAL

## **ORDER**

(Mtn for Copies – Dkt. #56)

(Mtn for Discovery – Dkt. #60)

(Mtns for Submission – Dkt. ##62, 63)  
(Mtn for Extn of Time – Dkt. #64)

(Mtn for Extn of Time – Dkt. #64)

12        This matter is before the court on Plaintiff Jamal Damon Hendrix's Motion to Extend  
13 Copywork (Dkt. #56), Motion to Engage in Discovery (Dkt. #60), and Motions for Submission  
14 (Dkt. ##62, 63), and Defendants Linda C. Adams', Isidro Baca's, Robert Bannister's, Jay  
15 Barth's, Julia Calderin's, Amy Calderwood's, James "Greg" Cox's, Roland Daniels',  
16 Christopher Day's, Frank Dreeson's, Michael Fletcher's, Sheryl Foster's, Terrel Gregory's, Don  
17 Helling's, Jerry Howell's, Cory Leavitt's, E.K. McDaniel's, Cole Morrow's, Jennifer Nash's,  
18 Dwight Neven's, Lee Werlinger's, and Harold Wickham's Motion for Enlargement of Time to  
19 Serve Discovery Responses (Dkt. #64). The court has considered the Motions, and the various  
20 Responses (Dkt. ##59, 61).

21 Plaintiff is a prisoner proceeding in this action pro se and in forma pauperis. On January  
22 27, 2014, the court entered an Order (Dkt. #3) screening Plaintiff's Complaint (Dkt. #4) pursuant  
23 to 28 U.S.C. § 1915.

**I. Motion for Summons (Dkt. #54).**

25 Plaintiff seeks an Order directing the Clerk of Court to issue summons to Defendants  
26 Morrow, Helling, Jones, Kyles, and Chang. He asks the court to serve these Defendants “at their  
27 current addresses of employment and residence which the City of Las Vegas Metropolitan Police

1 Department [“LVMPD”] has as well as the Department of Motor Vehicle [“DMV”] has on  
 2 record and the Department of Labor [“DOL”] has also.” Motion at 3:12-16.

3 In an Order (Dkt. #44) entered August 15, 2014, the court granted Plaintiff’s request to issue  
 4 summons and direct the U.S. Marshal’s Service to serve these Defendants and Defendant  
 5 Skolnik. The Clerk of Court issued Summons, and the USMS attempted service. *See* Summons  
 6 (Dkt. #45); Returns of Service (Dkt. ##46, 48, 50, 51, 52). Defendants Morrow and Helling  
 7 were successfully served with process. *See* Returns of Service (Dkt. ##46, 48). The USMS was  
 8 unable to serve Defendants Kyles,<sup>1</sup> Jones,<sup>2</sup> Skolnik,<sup>3</sup> and Chang.<sup>4</sup> *See* Returns of Service (Dkt.  
 9 ##47, 50, 51, 52). Plaintiff was advised by the court that if he wanted to have service attempted  
 10 again, he would need to provide the court with a more detailed name and/or address or request  
 11 another manner of service. Plaintiff has not done so, and his request is denied.

12 **II. Motion for Copies (Dkt. #56).**

13 Plaintiff seeks an order allowing him permission to exceed the \$100 limit on copy work  
 14 imposed on inmates in the Nevada Department of Correction (“NDOC”). In response,  
 15 Defendants assert that Plaintiff has not specified why he needs additional copy work, but they do  
 16 not oppose a moderate increase in copy work in the amount of ten dollars. Generally, an inmate  
 17 has no constitutional right to free photocopying. *See Johnson v. Moore*, 948 F.2d 517, 521 (9th  
 18 Cir. 1991). The statute providing authority to proceed in forma pauperis, 28 U.S.C. § 1915, does  
 19 not include the right to obtain court documents without payment. *Id.* “The granting of an  
 20 application to proceed in forma pauperis does not waive the applicant’s responsibility to pay

21  
 22 <sup>1</sup> The Return of Service indicates the USMS attempted to serve Kyles on three occasions. There  
 23 was no record of Kyles’ employment at the last known employment address, and he did not  
 24 reside at his last known residential address.

25 <sup>2</sup> The Return of Service indicates the USMS attempted to serve Jones on two occasions, and he  
 26 no longer worked at his last known place of employment, or resided at his last known residential  
 27 address.

28 <sup>3</sup> The Return of Service indicates the USMS attempted to serve Skolnik on two occasions, and he  
 29 no longer worked at his last known place of employment, or resided at his last known residential  
 30 address.

<sup>4</sup> The Return of Service indicates the USMS attempted to serve Chang on one occasion, and he  
 31 no longer worked at his last known place of employment.

1 expenses of litigation which not covered by 28 U.S.C. § 1915.” LSR 1-8. Additionally, courts  
 2 in other jurisdictions have not permitted plaintiffs proceeding in forma pauperis to receive free  
 3 copies of documents from the court without the plaintiff demonstrating a specific showing of  
 4 need. *See, e.g., Collins v. Goord*, 438 F.Supp. 2d 399 (S.D.N.Y. 2006); *Guinn v. Hoecker*, 43  
 5 F.3d 1483 (10th Cir. 1994) (no right to free copy of any document in record unless plaintiff  
 6 demonstrates specific need); *In re Richard*, 914 F.2d 1526 (6th Cir. 1990) (28 U.S.C. § 1915  
 7 does not give litigant right to have documents copied at government expense); *Douglas v. Green*,  
 8 327 F.2d 661, 662 (6th Cir. 1964) (no free copy of court orders).

9 Here, Plaintiff has not stated any specific reason that he needs additional copies.  
 10 Furthermore, his request for additional copy work has already been denied twice by the district  
 11 judge in this case (Dkt. ##8, 28) because Plaintiff’s received additional copy work in another  
 12 matter pending in this court as *Hendrix v. State of Nevada*, 2:13-cv-01527-JAD-CWH. For both  
 13 of these reasons, the Motion for Copies is denied.

14 **III. Motion for Discovery (Dkt. #60).**

15 Plaintiff seeks an order allowing him to conduct discovery. The court entered a Scheduling  
 16 Order (Dkt. #58) on October 20, 2014. Plaintiff has been permitted to conduct discovery since  
 17 that time. Discovery closes January 15, 2015, and dispositive motions are due February 16,  
 18 2015. This request is denied as moot.

19 **IV. Motion to Enlarge Time to Serve Discovery Responses (Dkt. #64).**

20 Defendants seek an order granting them an extension of time to respond to Plaintiff’s  
 21 discovery requests until January 16, 2015. Plaintiff served written discovery requests on  
 22 Defendants, and their responses were due December 29, 2014. Defense counsel represents that  
 23 many of the Defendants were out of town and unable to submit their answers to counsel. In  
 24 addition, defense counsel is out of the country until January 12, 2015.

25 Rule 6(b) of the Federal Rules of Civil Procedure provides that the court may extend the time  
 26 for a party to act for good cause if the extension is requested prior to the expiration of the  
 27 deadline. The court finds defense counsel has stated good cause for this modest extension of the  
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1 deadline to respond to Plaintiff's discovery requests, and Defendants may have until January 16,  
2 2015, to respond.

3 **V. Plaintiff's Motions for Submission (Dkt. ##62, 63).**

4 Plaintiff filed two Motions for Submission, each requesting that Motions Plaintiff filed be  
5 submitted to the court for consideration. When a motion is filed with the court, it is submitted  
6 for the court's consideration. Motions are ordinarily decided in the order which they are filed  
7 unless the court is required to give priority to a case by statute, rule of law, or because the matter  
8 is an emergency. No other or further request needs to be made. Making repeated requests for  
9 the same relief only slows the court down by it something else which must be reviewed,  
10 considered, and put on schedule for decision. In short, it taxes the resources of the court and of  
11 all the parties to this lawsuit. Rule 11 of the Federal Rules of Civil Procedure provides that  
12 sanctions may be imposed on an unrepresented party who signs a paper that is either filed with  
13 the court for an improper purpose or is frivolous. *See Nugget Hydroelectric, L.P. v. Pacific Gas*  
14 & *Elec. Co.*, 981 F.2d 429, 439 (9th Cir. 1992, *cert. denied*, 508 U.S. 908 (1993) (citing  
15 *Townsend v. Holman Consulting Corp.*, 929 F.3d 1358, 1362 (9th Cir. 1990) (en banc)). In  
16 *Nugget*, the Ninth Circuit upheld the trial court's imposition of Rule 11 sanctions because a  
17 party's second motion to compel largely duplicated the first. Plaintiff is warned that continued  
18 motion practice requesting relief that has already been requested may result in the imposition of  
19 sanctions.

20 For the reasons set forth above,

21 **IT IS ORDERED:**

22 1. Plaintiff's Motion for Copies (Dkt. #56) is DENIED.  
23 2. Plaintiff's Motion for Discovery (Dkt. #60) is DENIED AS MOOT.  
24 3. Plaintiff's Motions for Submission (Dkt. ##62, 63) are GRANTED to the extent this  
25 Order is entered deciding all pending Motions.

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4. Defendants' Motion for Extension (Dkt. #64) is GRANTED. Defendants shall respond to Plaintiff's written discovery requests no later than January 21, 2015.

Dated this 12th day of January, 2015.

Peggy A. Tees  
PEGGY A. TEES  
UNITED STATES MAGISTRATE JUDGE